464. Pursuant to article 7 of the Health Care Act, all Georgian citizens have the right to receive information about the state of their health. Article 41 of the Act obliges doctors to give their patients full information about the state of their health, except where the doctor is convinced that this will cause significant harm to the patient.

Medical workers and any employees of medical establishments are obliged to observe the doctor-patient privilege, except where the relative (legal representative) of a deceased patient, the court, or the investigative authorities request the disclosure of confidential information or where such disclosure is necessary to ensure public security or to protect the rights and freedoms of others (art. 42).

465. In accordance with the Commercial Banks (Activities) Act, no one has the right to grant any other person access to confidential information, to disclose or disseminate such information or to use it for his or her personal purposes. Information relating to the transactions and accounts of individuals may only be provided to the account-holder or the account-holder's representative. The tax services and judicial and investigative authorities need a court order to have access to such information (art. 17).

466. Information relating to the public nature of court deliberations may be found in the section of the present report relating to article 14 of the Covenant (on public deliberations).

Criminal sanctions for violations of the rights established by article 19 of the Covenant

467. The Georgian Criminal Code prescribes penalties for unlawfully infringing the rights referred to in this article of the Covenant. Under Georgian law the following acts are criminal offences: violation of the freedom of speech, unlawfully obstructing access to information or the dissemination of information that causes significant harm (art. 153); unlawfully obstructing a journalist in his or her professional activity (art. 154); unlawful refusal to grant an individual access to his or her official records and information about his or her rights and freedoms, or the provision of incomplete or distorted information causing significant harm (art. 167). Penalties for these offences range in severity from fines to sentences of up to two years' deprivation of liberty.

Article 20

468. The Georgian Criminal Code contains an article (art. 405) which categorizes as criminal offences public incitement to the conduct of a war of aggression, including through the media or committed by a person holding State political office. In the two latter cases, the Code prescribes more severe penalties. For information purposes we might note that the Public Service Act defines as persons holding State political office the President, members of Parliament, members of the Georgian Government, members of the supreme representative bodies of Abkhazia and Ajara and the heads of the Government institutions of those autonomous republics (art. 1, para. 3).

469. In contrast to the country's previous criminal code, the new code, which entered into force in June 2000, contains no articles explicitly banning the advocacy of national, racial and religious hatred that constitutes incitement to discrimination. The new criminal law categorizes as criminal offences actions which infringe the equal rights of people on racial grounds, including through the misuse of official position (art. 142, paras. 1 and 2) There is clearly a need in the Criminal Code for a special article prohibiting and punishing racial discrimination and, to ensure compliance with the requirements of paragraph 2 of article 20 of the Covenant, racially-based propaganda and incitement to racial strife should also be criminalized.

470. Paragraph 3 of article 26 of the Constitution is directly relevant to the requirements of this article of the Covenant and its provisions are cited extensively below, in the discussion relating to article 22.

471. In accordance with the Citizens' Political Associations Act, the formation and activity of political parties which include among their aims the fomenting of ethnic, regionalist, religious or social strife are prohibited (art. 5, para. 2). With reference to article 20, we should also note that the Civil Code, laying down principles for the registration of legal entities under private law (in other words, the "third sector" of non-governmental organizations), stipulates that the purposes of associations of this kind must not run counter to current law, recognized moral standards or the principles enshrined in Georgian constitutional law (art. 31, para. 2). This effectively excludes the formation and activity of political or voluntary associations which pursue goals inconsistent with the provisions of article 20 of the Covenant.

472. In accordance with the Assemblies and Demonstrations Act, no slogans designed to inflame ethnic, regionalist, religious or social strife or propagating war and violence may be used in the organization and conduct of assemblies or demonstrations (art. 4).

Article 21

473. The right of assembly is guaranteed under article 25 of the Constitution, which states that everyone, except members of the armed forces, police and security services, has the right, without prior authorization, to hold a public assembly either indoors or in the open air, provided no weapons are present. The article states further that prior notification of the authorities is required by law if the assembly or demonstration is held in a public thoroughfare and that the authorities may disperse an assembly or demonstration only if it assumes an unlawful character.

474. Practical aspects of the implementation of the right enshrined in article 21 of the Covenant are governed, in full compliance with the guarantees provided by the Constitution, by the Assemblies and Demonstrations Act. Under article 3 of the Act, the term "assembly" is understood to mean a gathering of a group of citizens either indoors or in the open air or a rally in a public place, organized with a view to expressing solidarity or protest, and the term "demonstration" is taken to mean a public demonstration, a mass meeting or a street march, undertaken with a view to expressing solidarity or protest, or a march with the use of posters,

slogans, banners and other graphic images. In this way, the Assemblies and Demonstrations Act also covers the requirements of article 19 of the Covenant with regard to public freedom of expression.

475. The Act stipulates that the right to peaceful assembly is withheld from persons serving in the armed forces, the police and the security services (art. 1). In the conduct of an assembly or demonstration it is prohibited to use slogans calling for the overthrow or forcible change of the constitutional order or, for assaults on the independence and territorial integrity of the country, propagating war and violence, or inflaming ethnic, regionalist, religious or social dissension (art. 4). In the event of wholesale violations of the requirements of this article of the Act, the assembly or demonstration in question must be halted forthwith on the orders of the responsible local government official. An order to halt an assembly or demonstration may be challenged in the courts, which must rule on the lawfulness of the order within three working days (art. 13).

476. The Assemblies and Demonstrations Act requires the authorities to be notified in advance if an assembly or demonstration is to be held in a public thoroughfare. Notification of the local authorities in the area where the event is to be held is the responsibility of the organizers. Only Georgian citizens aged 18 and over may organize such events (art. 5). In accordance with article 6 of the Act, at least five days' advance notification must be given of the holding of an assembly or demonstration.

477. Local authorities are entitled to refuse permission for assemblies or demonstrations if there is clear evidence, duly verified by the police, that these events will inevitably and directly endanger the constitutional order, or compromise the life and health of citizens. A decision by a local authority to prohibit an assembly or demonstration may be challenged in the courts, which must reach a final decision within two days (art. 14). At the same time, under article 12 of the Act, local authorities are obliged to ensure the appropriate conditions for the conduct of assemblies or demonstrations. The Police Act (art. 9, para. 13) grants the police the right to block unlawful rallies and other events, including peaceful activities, which might endanger public security or people's life, health, property and other rights protected by law.

478. The Criminal Code categorizes as punishable offences any encroachment on the right of assembly and demonstration through the use or threat of the use of force (art. 161). At the same time, the Code lays down penalties in the form of fines, attachment of earnings for up to one year, or deprivation of liberty for terms of up to two years for the organizers of such events who violate the procedure for the conduct of assemblies or demonstrations and whose negligence results in serious damage (art. 347).

479. By and large, the right enshrined in article 21 is upheld in Georgia. The freedom of peaceful assembly and demonstration is widely exercised both by non-governmental organizations and by opposition political associations, primarily those comprising supporters of the country's former president, Zviad Gamsakhurdia. Notwithstanding isolated incidents, virtually unavoidable in places where large numbers of people gather, which are duly reported in

the media, the assemblies and demonstrations are generally conducted in compliance with the legal requirements. Excesses are not always avoided, however. Thus, according to information in the Ombudsman's annual reports on human rights situation in Georgia in 1998 and 1999, over this period there were three recorded incidents when, actions by the law-enforcement authorities to break up an unlawful rally resulted in serious injuries to citizens present where the rally was being held. In all three cases criminal proceedings were instituted but lack of evidence prevented the offenders being brought to justice.

Article 22

480. Article 26 of the Constitution states:

"1. Everyone has the right to form and join voluntary organizations, including trade unions.

"2. In accordance with the country's constitutional law, citizens of Georgia have the right to form political parties and, other political associations and to participate in their activities.

"3. The formation and activities of voluntary and political associations which have as their goal the overthrow or violent change of the constitutional order, [...] assaults upon the country's independence, the violation of its territorial integrity, the propagation of war or violence, or the fomenting of ethnic, regionalist, religious or social strife are prohibited. [...]

"5. Members of the armed forces, the State security service or the internal affairs forces and persons who have been appointed or elected as judges or procurators must cease their membership of all political associations.

"6. The suspension or prohibition of the activities of public and political associations may only be effected by court order in cases and by the procedure determined by constitutional law."

Non-commercial and commercial legal entities

481. Under the Civil Code, legal entities may be created in Georgia both under public law and under private law. Legal entities under public law include non-State organizations formed in accordance with the law for public ends, such as political parties and religious organizations. Legal entities under private law comprise all other commercial and non-commercial associations (art. 1509, paras. 1 and 2).

482. A legal entity which does not have entrepreneurial activity as its purpose may exist either as a society (association) or a fund. A society is a legal entity uniting a number of persons for a common purpose, and its existence is independent of changes in its membership. A fund is a

legal entity in which, in pursuit of a socially useful purpose, one or several of the founders transfer special assets to an independent entity having no members (art. 30). A society is registered by a court, whereas a fund is registered with the Ministry of Justice. Registration may proceed provided that the purposes of the legal entity do not contravene existing legislation, accepted moral standards or the constitutional principles of Georgia. Refusal of registration may be challenged in the courts (art. 31). The registering body must revoke the registration of a society or fund if the entity in question is unable to carry out the purposes stipulated in its articles of association (art. 35). Revocation of registration entails the liquidation of the legal entity (art. 39).

483. The Civil Code (art. 45) also permits the existence of unregistered societies, which in this case are not considered legal entities. An unregistered society may be represented by its members or a duly authorized person in the courts and in its non-judicial relations.

484. The Civil Code recognizes several forms of commercial legal entities under private law, such as companies with joint liability, limited companies, joint-stock companies, and others. In accordance with the Code, the activities of legal entities of this category are governed by the Business Practices Act and they are to be registered with the court which has jurisdiction in the area of their legal address. Revocation of registration is also the responsibility of the courts (Business Practices Act, arts. 1 and 5, paras. 2 and 7). Under the law, none of the restrictions permitted by paragraph 2 of article 22 applies to commercial legal entities under private law.

485. The Criminal Code categorizes as a punishable offence the formation of religious, political or voluntary associations whose activity involves violence against citizens. It is an offence not only to lead but also to be a member of such associations (art. 252, paras. 1 and 2).

486. Currently there are several hundred non-governmental organizations registered in Georgia, a number of which are concerned with various aspects of human rights. Many non-governmental organizations have established large associations, in order to achieve their common objectives more effectively. Georgia's minorities maintain their own cultural and charitable societies throughout the country and in specific regions.

Political parties

487. The formation and activities of political parties are governed by the Citizens' Political Associations (Establishment) Act. Pursuant to this Act, the following principles must be observed in the formation and activities of political parties: membership of parties is voluntary and members are free to leave the party as they wish; parties are equal before the law; parties are formed and conduct their activities in public (art. 3). Only parties which have been legally registered shall be permitted to operate (art. 1). No party may be created on a regional or territorial basis (art. 6).

488. Under articles 5 and 8 of the Act only Georgian citizens may be members of parties operating in Georgia; article 11 prohibits any restrictions on the basis of race. Article 10

stipulates that members of the armed forces, employees of the State security service and internal affairs bodies, procurators and judges may not be members of parties and that membership of a party may be terminated in other cases provided by law. The Georgian Ombudsman is a case in point: the Ombudsman may not belong to any political party or take part in any political activity (Ombudsman Act, art. 8). The Public Service Act provides a rather milder restriction in this regard, stating that civil servants may not use their official position for party work (art. 61).

489. The provisions of the Constitution prohibiting judges from belonging to political associations go beyond the restrictions on freedom of association envisaged in article 22 of the Covenant. In addition, under the General Courts Act, judges are in general prohibited from participating in political activities (art. 51), and contravention of this rule constitutes grounds for dismissal of a judge from his post (art. 54). Provisions prohibiting participation in political activities also apply to judges of the Supreme Court (Supreme Court Act, art. 20, para. 4) and members of the Constitutional Court (Constitutional Court Act, art. 17).

490. Article 5 of the Citizens' Political Associations Act reproduces verbatim the prohibitory provisions of paragraph 3 of article 26 of the Constitution. Contravention of these provisions of the Constitution and the law may result in a party being banned by decision of the Constitutional Court (art. 35). Under the Constitutional Court Act, the right to file suit for the banning of a political party vests in the President of Georgia, in at least one fifth of the members of Parliament and in the supreme representative bodies of Abkhazia and Ajara (art. 35).

491. Dozens of political parties of every persuasion - from extreme left to extreme right - are active in the political life of Georgia. Suffice it to note that, at the most recent parliamentary elections, some 40 political parties and groupings registered. They do not by any means all have substantial public support, as witnessed by the election results, with only 12 parties gathering more than 4,000 votes each. At the same time, the two parties and one bloc which won seats in Parliament in accordance with the proportional representation system polled 890,000, 537,000 and 151,000 votes.

Trade unions

492. As noted above, the Constitution guarantees the right of every person to form and join trade unions (art. 26, para. 1). From the legal standpoint, the principles for the formation and activity of trade unions in Georgia are laid down by the Trade Unions Act. This Act stipulates that the powers of trade unions include protecting and representing the labour rights and social and economic rights of their members, monitoring the conclusion and fulfilment of collective contracts (agreements), conducting joint negotiations, participating in the settlement of joint labour disputes, promoting employment, ensuring public monitoring of compliance with the labour legislation and other measures (arts. 10-13 and 16). The right to form and join trade unions is enjoyed by any person aged 15 and above in employment or studying at a higher or secondary specialized educational institution. Any member of a trade union is free to leave the union any time. Unemployed and retired persons retain the right to be members of trade unions (art. 2).

493. Under the law, trade unions are independent from the State and local authorities, political parties and organizations, except in cases specially provided by law (art. 5). Any trade union constitutes a legal entity under private law and, as such, must be registered in the legally prescribed manner. Trade unions are dissolved in accordance with the same procedure, in cases established by law (art. 9). The same article of the Trade Unions Act stipulates that the activities of trade unions may only be suspended or prohibited by court order, in cases established by constitutional law.

494. In January 1999, the presidential decree on promoting the exercise of trade union rights entered into force. The decree specifies the powers vested in trade unions by law: the participation of their representatives in the work of the boards of central and local executive authorities and other State bodies; involvement in the preparation of legislative instruments relating to labour and social issues; public monitoring of the implementation of labour legislation; and other areas.

495. Georgian law places no restrictions on the membership of trade unions. For example, the Public Service Act grants civil servants the right to join trade unions and, in their free time, to participate in union work (art. 51).

496. The Collective Contracts and Agreement Acts provides for the creation of a trilateral commission, with the participation of trade union representatives, to regulate labour relations and social and economic relations. The membership of the Commission was ratified by a presidential decree in June 1998. The Commission, whose membership included government officials and business representatives, was entrusted with the preparation of a framework agreement. This agreement between the State, the business sector and the trade unions has, regrettably, still not been concluded.

497. Trade unions were in existence in Georgia in the Soviet period as well, although their activities were of a purely formal nature. In the post-Soviet period, the Georgian Trade Unions Association was formed, a voluntary association of sectoral and regional trade unions, established on the basis of a commonality of interests and operating principles by its participant organizations. The association incorporates trade union organizations of Abkhazia and Ajara, as well as 32 sectoral trade unions. Trade unions base their relations with both central and local authorities and with employers and their associations on existing legislation, and are guided by the principles of social partnership.

498. The following table describes the sectoral structure and membership of trade unions (from data of the Georgian Trade Unions Association for 1999).

Name of trade union	Number of members	Number of members as percentage of total employees
National Council of Trade Unions of Ajara	9 897	95.74
Coordinating Council of Abkhazia	1 893	100
Local Production, Housing, Public Utilities and Consumer Services	30 990	84.1
Architecture, Construction and Production of Building Materials	9 750	95
Aviation	2 000	80
Banks, Financial and Investment Institutions and Insurance Companies	1 500	100
Education	155 217	119.92
Geophysics, Geodesy and Cartography	1 866	98
Energy Sector and Electrical Engineering Industry	13 695	[illegible]5
Trade and Consumer Cooperation	5 300	97.7
Defence and Electronic Industry	2 300	88.46
Fisheries	956	77
Communications	15 030	81.2
Health Resorts and Tourism	5 220	100
Underground Railways	4 000	100
Engineering and Appliances	4 875	100
Pharmaceuticals	70 200	88.7
Light Industry	7 345	99.4
Metallurgical and Mining Industry	15 675	95
Academy of Sciences	7 600	91.5
Small Enterprises	2 250	50
Oil and Gas Industry	6 311	97.1
Coal Industry	3 000	100
Football	1 500	83.3
Journalism and Printing	2 500	78.75
Railway Workers	23 913	109.54
Sport	7 050	99
Motor Vehicle Transport and Roads	18 000	78.26
Motor Vehicle and Agricultural Engineering	10 200	82.9
Marine Transport	7 738	99.08
Timber, Paper and Wood Processing Industry	9 600	80
Public Service and Voluntary Organizations	41 828	93.8
State Aviation Production Corporation	1 735	86.6
Agriculture and Processing Industry	226 000	98.26
Chemical, Medical and Fuel Industry	8 400	92.24

Note: In two cases the number of members of the trade union in question exceeds the total number of persons employed in the sector because of the large number of retirees who have retained their union membership.

Right to strike

499. Article 33 of the Constitution recognizes the right to strike, but stipulates that the procedure for the exercise of this right shall be determined by law. Under the Constitution, the law also provides guarantees for the operation of vital services.

500. The procedure for the organization and conduct of strikes is governed by the Collective Labour Disputes (Settlement Procedure) Act. The right to organize or participate in strikes is withheld from members of the police (Police Act, art. 21), the procuratorial service (Procuratorial Service Act, art. 31) and the State Security Service (State Security Service Act, art. 2).

Article 23

501. Under the Constitution (art. 36), marriage is a voluntary union based on the equal rights of the spouses; the State shall promote the welfare of the family.

502. According to the Civil Code, marriage is the voluntary union of a man and a woman for the purposes of founding a family, as legalized by an official civil registry office (art. 1106). The prerequisites for entering into marriage are the attainment of marriageable age and the consent of the intending spouses (art. 1107). Any person who has reached the age of 18 may enter into marriage. In exceptional circumstances, marriage may be permitted from the age of 16, provided that the parents or other legal representatives give their consent in writing. Should the parents or legal representatives withhold their consent, marriage may be authorized by a court on an application by the intending spouses if there are compelling reasons therefor (art. 1108).

503. Aliens wishing to marry in Georgia require a certificate issued by the competent authorities of their country stating that there are no impediments to their marriage. This procedure does not apply, however, to stateless persons or to citizens of States that do not issue such certificates (art. 1118).

504. Marriage is prohibited:

- Between two persons at least one of whom is already married;
- Between blood relatives in the ascending and descending lines;
- Between siblings or cousins;
- Between two persons at least one of whom has been declared legally incapable by a court (art. 1120).

505. Article 1151 of the Civil Code states that the rights and duties of spouses only become effective after a marriage which has been registered in a State registry office. In its regulations on these aspects of marital relations, the Code places particular stress on the equal rights of spouses (art. 1152) and the inadmissibility of any form of discrimination (art. 1153). The Code

assigns to each of the spouses the right to free choice of activity and profession, and place of residence (except where, in the latter case, a conflict arises with the interests of the family). Issues relating to the raising of children and other family-related matters shall be resolved jointly by spouses (arts. 1155-1157).

506. The Civil Code establishes the right of spouses freely to choose one of their surnames as their common surname, to retain their premarital surnames, or to combine their surname with the surname of their spouse (art. 1154).

507. The Civil Code contains provisions covering the legal property rights and duties of spouses, in particular, such issues as joint property, equality of rights to such property and its management by mutual agreement (arts. 1158-1160); personal property (art. 1161); the division of joint property (arts. 1161, 1166 and 1167); and others. Under the Code, spouses are obliged to give each other material help and to settle any problems associated therewith (arts. 1182-1186).

508. The Civil Code also contains legislative provisions covering relations between children and parents. Pursuant to the Code, the parentage of children as confirmed by law constitutes grounds for the emergence of the mutual rights and duties of parents and children. The Code stipulates that parents, irrespective of whether they are married or divorced, have equal rights and duties vis-à-vis their children (arts. 1197 and 1199). All issues relating to the upbringing of children are resolved by parents by mutual agreement and, in the absence of such agreement, disputes shall be settled by the courts in the presence of the parents (art. 1200). A parent living apart from his or her child has the right to spend time with the child and is obliged to play a role in the child's upbringing. The parent with whom the child lives may not impede the other parent from seeing the child and participating in his or her upbringing (art. 1202).

509. As an extreme measure and in the exclusive interests of the child, the Code makes provisions for the deprivation, by judicial procedure, of the parental rights of one or both spouses. This does not release the parents from the obligation to maintain the child (art. 1205). The child retains the right to his or her place of residence as well as any property rights based on kinship, including the right to inherit from a parent or parents deprived of parental rights (arts. 1205 and 1207). When handing down an order depriving a parent of his or her parental rights, the court rules at the same time on the payment of alimony by that parent (art. 1206).

510. A special chapter of the Civil Code is devoted to the issue of the alimony obligations of parents and children. Under article 1212, parents are obliged to maintain their minor children and also disabled children who need help. In turn, children are also obliged to take care of their parents and to help them (art. 1218). The Code establishes both the forms of alimony and the extent to which alimony obligations should be observed.

511. The following constitute grounds for the dissolution of marriage: death of one of the spouses; legal declaration that one of the spouses is deceased; and divorce. Pursuant to a joint agreement by spouses who have no minor children, or a declaration by one of the spouses that the other spouse is missing, or is legally incapable owing to mental illness, or is serving a prison sentence of at least three years' duration, divorce may be effected by the civil registry authorities (arts. 1124 and 1125). In all other cases a marriage must be dissolved in a court of law.

512. During his wife's pregnancy and for one year after the birth of the child, a husband may not file for divorce without the wife's consent (art. 1123).

513. When handing down a decision on divorce, the court, where necessary, adopts measures to protect the interests of minor children or a disabled spouse. If the spouses have failed to reach agreement regarding the place of residence of the children after the divorce and the amount to be paid for their maintenance, the court is obliged, when decreeing the divorce, also to determine which child shall reside with which parent and which parent shall be obliged to pay maintenance (alimony) and to establish the level of such maintenance (arts. 1127 and 1128).

514. As demonstrated by these provisions of the Civil Code, the principles of equality and non-discrimination in marital and family relations are enshrined in Georgian law. In this respect, the legislation is fully consistent with the requirements of article 23 of the Covenant.

515. In the context of this article of the Covenant, reference is made to Georgia's initial report on implementation of the Convention on the Elimination of All Forms of Discrimination against Women (paras. 124-143).

516. The following table provides statistics regarding marriages and divorces in Georgia over the period between the submission of the initial report and 1998.

Year	Marriages	Divorces	Marriage rate (per 1 000 population)	Divorce rate (per 1 000 population)
1995	21 500	2 700	4.4	0.6
1996	19 300	2 300	4.0	0.5
1997	17 100	2 300	3.5	0.5
1998	15 300	1 800	3.0	0.3

Article 24

517. Under the Constitution, the State promotes the well-being of the family and the rights of motherhood and childhood are protected by law (art. 36, paras. 2 and 3).

518. In June 1994 Georgia acceded to the Convention on the Rights of the Child and in January 1998 it submitted its initial report to the Committee on the Rights of the Child on its implementation of the Convention (CRC/C/41/Add.4/Rev.1). In preparation for the consideration of the report, Georgia submitted written answers to a list of questions submitted by the Committee on the Rights of the Child (April 2000). The initial report was considered in May 2000; on the basis of that consideration the Committee on the Rights of the Child adopted its concluding remarks (CRC/C/15/Add.124), a copy of which was given to the representative of Georgia.

519. In the above-mentioned initial report, as in its written answers to the list of questions submitted by the Committee on the Rights of the Child, fairly comprehensive information is provided by Georgia on the issues covered by article 24 of the Covenant. Specific aspects of the rights of the child as reflected in article 24 are also covered in this report under other articles of the Covenant. Accordingly, the information given below will, where possible, be accompanied with the appropriate cross-references.

520. According to paragraph 12 of the Civil Code and paragraph 81 of the Code of Civil Procedure, full civil and civil procedural legal capacity are acquired, as a rule, at the age of 18. Until this age, a person is considered a minor, or - for the purposes of article 24 of the Covenant - a child. Under the Civil Code, until the age of 7 a person has no active legal capacity and between the ages of 7 and 18 restricted active legal capacity (this is explained in more detail in the section of the present report dealing with article 16).

521. Pursuant to the Criminal Code, criminal liability for the commission of an offence is engaged from the age of 14 and, for the purposes of establishing criminal liability, persons up to the age of 18 are regarded as minors (see the section on criminal proceedings involving minors, in the section of this report dealing with article 14 of the Covenant).

522. On the issue of marriageable age, see the comments pertaining to article 23 in the present report.

523. The age at which a child may enter into employment is 16 (or 15, in certain cases prescribed by law). Under labour law, persons over the age of 18 are considered adults. Further details on this matter may be found in paragraph 30 of Georgia's initial report on implementation of the Convention on the Rights of the Child.

524. The procedure for the remand in custody and detention after sentencing of minors is governed by the Code of Criminal Procedure and the Detention Act, which is discussed in detail in the section of this report relating to article 10 of the Covenant.

525. As noted in the discussion relating to paragraphs 1 and 2 of article 2 of the Covenant, the provisions regarding the equality of all before the law and the equal rights both of citizens and of non-citizens are constitutional principles and, in this capacity, are subject to undeviating compliance. Below, in our comments under article 26 of the Covenant, we review the non-discriminatory requirements provided in Georgian law. The general set-up in this area is such that, from a legal point of view, children are fully protected from all forms of negative discrimination.

526. In recent years, a number of regulatory acts have been adopted which are designed to ensure maximum protection of the vital interests of children, including the most vulnerable groups of children.

527. Under the Constitution, the State promotes the equitable social and economic development of all areas of the country. The law provides special privileges for alpine regions.

to ensure their social and economic progress (art. 31). To give effect to the requirements of the Constitution, the Mountainous and Alpine Districts of Georgia (Social, Economic and Cultural Development) Act was adopted, setting the task of developing these regions as a priority for our country. Under the Act, steps have been taken to ensure that secondary education for children from alpine villages is entirely State-funded (as things stand, only primary education in Georgia is fully State-funded). To ensure that education is accessible to all in alpine districts, classes may be held for as few as 3-→ children, against a nationwide standard of 25 per class.

528. In 1999, among other legislative instruments, Parliament adopted statutes for the protection of rights and interests of children, such as the Neglected and Orphaned Children (Adoption Procedure) Act, governing issues relating to the placement of children in adoptive families; the Natural Child-feeding (Protection and Promotion) and Artificial Infant Foods (Consumption) Act, designed to ensure the health of children by providing them with safe and adequate nourishment, whether natural or artificial; and the Children's and Youth Associations (State Support) Act. The last act is of particular interest, since it grants children's and youth associations the entitlement to submit reports on the situation regarding the protection of the rights of children and young people to the President of Georgia; to make suggestions to those empowered to initiate legislation, with a view to introducing amendments to statutes and other regulatory acts which reflect the interests of children and young people; and to participate in the development, consideration and implementation of State youth-oriented programmes. In addition, this act makes provision for the creation of a children's and young people's development fund within the Georgian State Department for Youth Affairs.

529. Over the period 1996-2000, a State programme, endorsed by the President, was run on the issue of social protection, vocational training and crime prevention for minors, which had as its main areas:

- Conducting measures to identify minors with criminal tendencies and neglected children and carrying out preventive work with those children;
- Tackling problems relating to the vocational training and education and the social rehabilitation of minors, including orphans and abandoned children, and the children of internally displaced and homeless persons;
- Encouraging youngsters to take up creative activities and to play sport.

Programme implementation has been led by an interdepartmental State commission headed by the Minister of Education. A range of activities has been held in all the above areas by the appropriate State bodies, including with support from the United Nations Children's Fund (UNICEF). These activities have yielded certain results and have also demonstrated the need for continued efforts. Accordingly, in March 2000, the Georgian President ratified the State Programme for the Protection, Development and Social Rehabilitation of Minors, designed to improve the organization of the social protection, development and rehabilitation of minors deprived of parental care and prone to antisocial behaviour, as well as homeless children (so-called "street children"). The Programme has as its primary goals:

- Formation of a legal and regulatory framework to uphold the rights of children in the above category;

- Study of different aspects of the problem of homeless children and efforts to promote their vocational guidance and social rehabilitation;

- Creation of rehabilitation centres and specialized schools, and the development and introduction of specially tailored programmes for the education and upbringing of children;

- Tackling the problem of the further integration and welfare of homeless children.

The programme budget for the period 2000-2003 is set at 3 million lari. Programme implementation is the responsibility of the government Commission for Minors' Affairs and Social Protection, headed by the Minister of Education.

530. Responsibility for ensuring that children receive adequate protection is borne - admittedly, in unequal measure - by the family, society and State. Aspects of this problem were discussed in detail in Georgia's initial report under the Convention on the Rights of the Child, in its sections on parental guidance (paras. 135-137), parental responsibilities (paras. 142, 144-146), separation from parents (paras. 148-152), recovery of maintenance for the child (paras. 158-164), and children deprived of a family environment (paras. 165-172).

531. Under the Civil Code, every individual has a right to a name, which includes a first name and a surname (art. 17, para. 1). The parentage of children whose parents are married to each other is determined by the parents' marriage certificate (art. 1189). The parentage of a child whose parents are not married to each other is determined on the basis of a joint declaration made by the parents at a civil registry office. In the absence of such a joint declaration, paternity may be established through the courts (art. 1190, paras. 1 and 2). The names of a mother and father who are married to each other are entered in the register of births on the basis of a declaration by either of them (art. 1191, para. 1). Where the parents are married to each other, the name of the mother is registered on the basis of her declaration and that of the father on the basis of a joint declaration by the parents or a court decision (art. 1192, para. 1).

532. Pursuant to the Civil Registration Act, registration of a birth must be based on the birth certificate issued by a health-care establishment and the corresponding declaration (art. 22). Registrations of birth are made at the place of residence of the child or either of the parents (art. 23, para. 1). Under the law, a declaration of the birth of a child is mandatory, and the law also establishes an exhaustive list of the persons and establishments entitled to make such declarations (in accordance with the circumstances and place of birth) (art. 24).

533. The Civil Code and the Civil Registration Act contain identical wording regarding the registration of the child's name: the first name is registered by mutual agreement of the parents

and the surname in accordance with the surname of the parents. If the parents have different surnames, the child is given the surname of the mother or the father or, by agreement between the parents, a combined surname. The Civil Registration Act stipulates that, in the event of disagreement between parents who do not have the same surname, the first name and surname of the child shall be registered on the basis of a court decision (art. 16, para. 3). The law also contains provisions governing cases when the child's parents are unknown or the child was born out of wedlock (arts. 27 and 31).

534. The child's citizenship rights are governed by the Citizenship Act, which was described in the initial report under the Covenant. More detailed information on this issue can be found in Georgia's initial report under the Convention on the Rights of the Child (paras. 83-85).

Article 25

535. Pursuant to article 28 of the Constitution, every citizen of Georgia, upon attaining the age of 18, has the right to participate in referendums and the elections of national and local authorities. The Constitution guarantees the expression of the free will of the electorate (art. 28, para. 1). Persons declared by the courts to be legally incapable or serving custodial sentences handed down by the courts may not participate in elections and referendums (art. 28, para. 2).

536. Article 74 (paras. 1 and 2) of the Constitution states that the President of Georgia shall order a referendum, at the request of Parliament, as petitioned by not less than 200,000 voters, or on his own initiative, on such issues as determined by the Constitution and by constitutional law and within a period of 30 days from the lodging of such a request. Referendums may not be conducted to adopt or repeal laws, on issues of amnesty or pardon, on the ratification and denunciation of treaties and international agreements, or on matters encroaching on fundamental human rights and freedoms.

537. The Constitutional Court is the body empowered to consider disputes relating to the constitutionality of referendums and elections. This procedure may be triggered by a lawsuit or by an application submitted by the President of Georgia, by not less than one fifth of the members of Parliament, by a court, by the supreme representative bodies of Ajara and Abkhazia, by the Ombudsman or by citizens (Constitution, art. 89, para. 1).

Parliamentary elections

538. Under the Constitution, Parliament is elected on the basis of universal, equal and direct suffrage and by secret ballot (art. 49, para. 1). The right to participate in such an election is enjoyed by duly registered political associations of citizens whose initiative is supported by the signatures of not less than 50,000 voters or which, at the time of the election, already have their own representative in Parliament, and, in elections run on the first-past-the-post system, by persons whose initiative is supported by not less than 1,000 signatures or who were elected members of Parliament at the previous election (art. 50, para. 1).

539. More detailed information about the Georgian Parliament may be found in the core document, in paragraphs 70-73.

540. Any Georgian citizen aged 25 and above who has the right to vote may be elected to Parliament (Constitution, art. 49, para. 2). This constitutional principle is fleshed out by the Georgian Parliament (Elections) Act, which states that any citizen of the country who meets the age criterion, and has been continuously resident in Georgia for not less than 10 years, may be elected to Parliament, irrespective of language, race, sex, religion, education, political views, national, ethnic or social affiliation or origin, or status based on property or class (art. 2).

541. Parliamentary elections are held by secret ballot. Citizens may not be scrutinized in the expression of their electoral will nor are open ballots permitted. The conduct of elections is the responsibility of duly established electoral commissions. The costs of the conduct of parliamentary elections are, by and large, borne by the State (arts. 5, 7 and 10 of the Georgian Parliament (Elections) Act).

542. Pursuant to the Act, electoral commissions for the conduct of parliamentary elections are established at three levels:

- Central Electoral Commission;
- Constituency electoral commissions;
- Ward electoral commissions (art. 17).

The parties or electoral blocs receiving the five best results in parliamentary elections nominate one representative each to the electoral commissions (art. 18, para. 2). The Central Electoral Commission comprises its chair and deputy chair, the Commission secretary and 14 members (art. 21, para. 1).

543. The composition of the Central Electoral Commission is as follows:

- In the spring session of a year in which parliamentary elections are held Parliament elects five members of the Commission for a period of four years;
- The President of Georgia appoints four members of the Commission and, with the consent of Parliament, the chair of the Commission for a period of five years;
- The supreme representative bodies of the country's autonomous areas appoint one member each to the Commission;
- The five parties or blocs which poll the most votes in the parliamentary election appoint one member each to the Commission (art. 21, paras. 1-4).

544. The executive authorities and the local administrative and self-government bodies are obliged, no later than 55 days prior to an election, to conduct a registration of voters in the area under their authority and to provide the electoral commissions with information necessary for the compilation of electoral rolls. Where internally displaced persons are concerned, responsibility for the compilation of electoral rolls and the transmission of such rolls to the electoral commissions rests with the Ministry of Refugees and Resettlement (art. 32). The law provides no restrictions on the inclusion of voters in the relevant rolls (art. 33).

545. The Georgian Parliament (Elections) Act contains an exhaustive list of the duties incompatible with the status of parliamentary candidate. Before putting their names forward as candidates for Parliament, officials must be released from their posts (art. 36).

546. The electoral commissions prepare and conduct parliamentary elections openly and in public (art. 48, para. 1). The elections are conducted in buildings which have been specially set aside for that purpose and which are neutral with regard to the participating parties or blocs. Conditions are provided to ensure that every voter can express his or her will in secret and to ensure the safety of the voting process. Armed persons are not allowed into buildings where voting is being conducted (art. 50).

547. The law clearly lays down the procedures for the counting of votes in electoral wards and for collating the vote totals in the constituency electoral commissions and the Central Electoral Commission (arts. 52-54).

548. Two parliamentary elections have been held in Georgia since the submission of the country's initial report, in 1995 and 1999, and on both occasions local and international observers were present. Notwithstanding some isolated irregularities noted during the conduct of the elections, the elections were by and large declared free and fair and their results, in the assessment of the observers, objectively reflected the alignment of political forces in the country as a whole.

549. The parliaments resulting from both those elections include women and representatives of ethnic minorities. The 1995-1999 parliament included 16 women and 17 representatives of minorities - Russians, Armenians and Azerbaijanis. The situation has not improved in the current parliament, where there are a total of 17 women and 10 representatives of ethnic minorities. We should also note that the majority of both the women and the representatives of ethnic minorities gained their seats in Parliament via the party lists. Among the 85 deputies elected by the first-past-the-post system, there is only one woman and only two representatives of ethnic minorities, elected in areas where those minorities are concentrated.

Local elections

550. The procedure for the formation and activity of local authorities is set out in the Local Self-Government and Administration Act. Paragraph 2 of article 2 of the Act stipulates that Georgian citizens may elect and be elected to local authorities irrespective of race, colour,

language, sex, religion, political and other views, national, ethnic and social affiliation, or origin or status based on property or class. Elections are conducted on the basis of constitutional and legislative principles, as described in the section on parliamentary elections above.

551. The local representative authority at all levels, from village to city, is the "sakrebulo". Depending on the number of voters - whether more or less than 2,000 - elections to the sakrebulo in multi-mandate constituencies are based, respectively, on simple majority or proportional representation. Candidates for election to a sakrebulo must be Georgian citizens who, on the day of the election, are aged 21 or older and have resided in the country for not less than five years. No restrictions may be placed on such election on the basis of race, colour, language, sex, national, ethnic or social affiliation or origin, views, or status based on property or class.

552. In addition to those persons who under the Constitution are ineligible to participate in elections (see above), Georgian citizens who, until the day of the elections, have been temporarily or permanently residing abroad are also barred from participating in local elections.

553. Independent Georgia's first ever local elections were held in October 1998, and some 11,000 deputies were elected, of whom 1,342 (12.5 per cent) were women. In all, 70 district-level elected bodies are headed by women. The elected deputies also include 1,664 representatives of ethnic minorities. In all, 125 elected bodies in various districts of the country are headed by representatives of ethnic minorities.

Election of the Georgian President

554. Under the Constitution, any person eligible to vote, who is a Georgian citizen by birth, aged 35 years and over, has lived in Georgia for not less than 15 years and, on the day fixed for the election is resident in Georgia, may be elected President. Any political association or initiative group has the right to nominate candidates for President. Nominations must be supported by the signatures of no fewer than 50,000 voters (art. 70, paras. 2 and 3).

555. Under the Presidential Elections Act (art. 3, para. 1), every Georgian citizen entitled to vote, irrespective of race, colour, language, sex, religion, political and other views, national, ethnic or social affiliation, origin, or status based on property or class, has the right to vote for President.

Over the reporting period, there have been two presidential elections in Georgia - in 1995 and 2000.

556. The local elections and the most recent parliamentary and presidential elections have revealed an interesting trend: the level of participation among citizens who were not ethnic Georgians was significantly higher than that among Georgians themselves. Thus, the turnout among minorities at parliamentary elections on 31 October 1999, in areas where these minorities are concentrated, was as high as 80-90 per cent, while turnout in other areas did not exceed 50-60 per cent.

557. The Georgian Criminal Code categorizes as criminal offences such actions as impeding people from expressing their free will in elections, referendums or plebiscites (art. 162); impeding the work of commissions entrusted with conducting elections or referendums (art. 163); violating the secret of the ballot, and cheating in the counting of votes or collation of vote totals (art. 164). The prescribed punishment for these crimes ranges from fines to prison sentences of up to four years.

Equal access to the civil service

558. Article 29 of the Constitution states that every Georgian citizen has the right to hold any State office provided he or she complies with the requirements established by law and that the conditions for government service are determined by law.

559. The legal framework governing the organizational and operational arrangements of the public service and the legal status of public servants are set out in the Public Service Act. Under this Act, public service comprises employment in government offices and budgetary establishments of the State and local public authorities (art. 1, para. 1). The basic principles of public service include: respect for human rights and freedoms and for the rights, freedoms and dignity of citizens, and equal access to the public service for all Georgian citizens in accordance with their capabilities and professional training (art. 13, paras. (c) and (d)).

560. Under article 15 of the Public Service Act, any Georgian citizen aged 21 and over with active legal capacity, possessing the appropriate aptitude and experience, and fluent in the State language of Georgia, may enter government service. Under article 16 of the Act, any citizen of Georgia aged 18 and over with active legal capacity, who has completed at least secondary education and is fluent in the State language of Georgia, may serve in a local authority.

561. The public service is closed to persons who:

(a) Have unexpunged convictions for premeditated crimes;

(b) Are under investigation or arrest;

(c) Have been declared by a court to be legally incapable or of diminished legal capacity;

(d) Have been deprived by a court of their right to occupy such posts;

(e) In accordance with a medical finding, do not meet the health requirements of such posts;

(f) Would find themselves, if appointed to a post, directly supervising or directly supervised by a parent, spouse, child, sister, brother or parent-in-law;

(g) Have applied for or claim foreign nationality, except where this is allowed by law or under international agreements (Public Service Act, art. 17).

562. Various requirements governing entry into public service are laid down by law or on the basis thereof. Additional qualifications may be set by the heads of organizations or by senior supervisors. Persons in charge of recruiting for the public service are entitled to apply probationary periods of not more than six months. Appointment to posts may be based on a competitive examination (Public Service Act, arts. 19, 24, para. 1 and 29, para. 1).

563. The Public Service Act prescribes, among others, the following rights and guarantees of public servants:

- To receive remuneration for their work (art. 37);
- To be reimbursed their travelling expenses when on official business (art. 38);
- To receive annual paid leave (art. 11);
- To be granted sabbatical leave for the purpose of further training (art. 48);
- To receive a lump-sum payment in the event of their incapacity or disability sustained in the performance of their official duties (art. 49).

564. The law stipulates the procedure and conditions for the commendation, the promotion and the disciplining of public servants (arts. 74-80), as well as for their suspension and dismissal (arts. 81-112). In all cases, the rules of law are free of any discriminatory considerations and are based on objective grounds.

565. Minorities are represented in the local authorities in the regions where they are concentrated. Thus, in Marneuli and adjacent districts, there are 38 senior posts in the local bodies held by Azerbaijanis; in Tetritskaroi 12 posts held by Greeks; and in the Samtskhe-Djavakheti regions, 58 by Armenians. No statistics are kept of the ethnic origins of public servants at different levels in State executive bodies. Nevertheless, we are able to state that many members of minorities are pursuing successful careers in ministries and departments, in the parliamentary system and in State government offices. The main problem affecting the access to public service for Georgian citizens of non-Georgian origin is their ignorance or poor command of the State (Georgian) language, a legacy of the Soviet period. The Government is taking steps to remedy this situation, including through the elaboration of a language act. A State programme for the teaching of the Georgian language is being run in areas where ethnic minorities are concentrated.

Article 26

566. The section of the present report relating to paragraphs 1 and 2 of article 2 of the Covenant describes the provisions of the Constitution that uphold the principle of non-discrimination. Issues of sexual equality are discussed under article 3 of the Covenant. Below we provide a brief overview of Georgian legislation from the standpoint of the provisions of article 26.

567. Pursuant to the Citizenship Act, Georgian citizens are equal before the law, irrespective of origin, social and property status, racial and ethnic affiliation, sex, education, language, religion and political convictions, occupation, place of residence and other considerations (art. 4). The Act stipulates that the citizens of other States and stateless persons in the territory of Georgia shall enjoy the rights and freedoms provided under the norms of international law and the laws of Georgia, including the right to seek protection of their personal, property and other rights from the courts and other State bodies (art. 8).

568. The Aliens (Legal Status) Act establishes that aliens in Georgia enjoy the same rights and freedoms as citizens, except as otherwise provided by Georgian legislation. Aliens in Georgia are equal before the law, irrespective of their origin, social and property status, race, ethnic affiliation, sex, education, language, religious, political and other views, field of activity and other considerations. Georgia protects the life, personal inviolability, rights and freedoms of aliens present in its territory. Georgia also affords the same protection to the rights and lawful interests of stateless persons temporarily located outside the country but who are permanent residents of Georgia as it does to its own citizens (art. 3).

569. The General Courts Act states that everyone is entitled, for the purpose of protecting his or her rights and freedoms, to have recourse to the courts, either in person or through representatives (art. 3). Justice is exercised on the basis of the equality before the law and the courts of all parties to a case and court proceedings are conducted on the basis of the equality of rights and the adversarial principle (art. 6).

570. Under the General Administrative Code, which recognizes the equality of all before the law and the administrative authorities, it is prohibited to restrict or obstruct the exercise of the legitimate rights, freedoms or interests of any party to administrative legal proceedings, or to afford a party any unlawful advantage, or to take any discriminatory measures against a party. When the circumstances of different cases are identical it is prohibited to hand down different decisions in respect of different persons, except as provided by law (art. 4, paras. 2 and 3).

571. Under the Code of Civil Procedure, everyone is entitled to the protection of their rights through the courts (art. 2) and legal proceedings on civil matters are conducted on the basis of the equality of all before the law and the courts (art. 5).

572. Under the Code of Criminal Procedure, all are equal before the law and the courts, irrespective of race, nationality, language, sex, social origin, property status, official position, place of residence, attitude to religion, opinions and any other considerations (art. 9, para. 1).

573. Comparable non-discriminatory principles may be found in most regulatory instruments. The citations from legislative texts provided above demonstrate that the laws and regulations in question encompass virtually all aspects of the life of modern Georgian society. The scope of this article of the Covenant precludes us from entering into a detailed description of the practical measures to uphold the principle of non-discrimination. Accordingly, we would like instead to refer to the initial report by Georgia under the Convention on the Elimination of All Forms of Racial Discrimination, which contains fairly comprehensive information on this question.

574. In addition to the above, we should also note that, under the provisions of a number of articles of the Criminal Code, the finding of a motive of racial, religious, national or ethnic intolerance in the commission of a crime is considered to be an aggravating circumstance and renders the perpetrator liable to more severe penalties.

Article 27

Constitutional guarantees of the rights of minorities

575. In its discussion under article 2 of the Covenant (in the section on respect for and exercise of the rights of all persons subject to the jurisdiction of a State), the present report describes the provisions of articles 14, 38 (para. 1) and 85 (para. 2) of the Constitution, which guarantee the equality of all before the law, the equal rights of the citizens of Georgia in all aspects of social life, and measures to address problems relating to the language barrier. It should be noted that the second sentence of paragraph 1 of article 38 of the Constitution reproduces, almost verbatim, the provisions of article 27 of the Covenant on the right of persons to enjoy their own culture and use their own language. With regard to the profession of religion, we refer to the formulation provided in article 19 of the Constitution, which is quoted in the present report under article 18 of the Covenant (in the section on freedom of conscience in the Constitution).

576. In addition to the above-mentioned provisions of the Constitution, under paragraph 1 of article 34 the State shall promote the development of culture, and create conditions in which citizens can participate freely in cultural activities and can give expression to and further enrich their cultural identity, and in which national and universal values are duly recognized.

Ethnic composition of the population of Georgia

577. Brief information on the ethnic composition of the population of Georgia may be found in the core document (paras. 24 and 25). We should note that the ethnic minorities of Georgia have lived in the country for many centuries. Georgia has always been celebrated for its tolerance - both ethnic and religious - thanks to which its territory has provided refuge and a second home for the representatives of dozens of different nationalities.

578. The table below shows the ethnic breakdown of the population of Georgia as revealed by censuses, the most recent of which was conducted in 1989. These data cannot be considered completely accurate, in view of the heavy migratory flows of recent years, which have caused thousands of Georgian citizens to leave the country, including many of non-Georgian origin. The censuses also take into consideration the population of Abkhazia and the former South Ossetia. At the time of writing, owing to the conflicts in those areas, Georgia has no de factor jurisdiction over their territories. Accordingly we have only rough estimates of the populations remaining in the self-proclaimed republics in those areas. In these circumstances, it is also difficult to assess their ethnic composition.

Under the rules for census-taking, a respondent's nationality is determined on the basis of the respondent's own declaration, and not taken from passport details. The nationality of minor children is determined by their parents.

579. **Ethnic composition of the population**

	Thousands of persons			As a percentage of the total population		
	1959	1979	1989	1959	1979	1989
Total population	4 044.0	4 993.2	5 400.8	100	100	100
Georgians	2 600.6	3 433.0	3 787.4	64.3	68.8	70.1
Abkhaz	62.9	85.3	95.9	1.6	1.7	1.8
Ossetes	141.2	160.5	164.1	3.5	3.2	3.0
Russians	407.9	371.6	341.2	10.1	7.4	6.3
Ukrainians	52.2	45.0	52.4	1.8	0.9	1.0
Azerbaijanis	153.6	255.7	307.6	3.8	5.1	5.7
Armenians	442.9	448.0	437.2	11.0	9.0	8.1
Jews	51.6	28.3	24.8	1.3	0.6	0.5
Assyrians	-	5.3	6.2	-	0.1	0.1
Greeks	72.9	95.1	100.3	1.8	1.9	1.9
Kurds	16.2	25.7	33.3	0.4	0.5	0.6

Official bodies dealing with the rights of minorities

580. The Georgian parliament, as constituted during the period 1995-1999, incorporated a committee for human rights and ethnic relations. The realization that ethnic minorities have an important role to play in the life of the State and society and the need for their more active involvement in building a truly democratic country prompted the establishment, as part of the country's highest legislative authority, of a new body in Georgia - the Civil Integration Committee. This committee has taken on the task of establishing the legislative underpinnings for the promotion of integration processes in Georgian society and strengthening the prerequisites for the formation of civil society. Considerable importance is also attached to promoting the State's more effective compliance with its international human rights obligations.

581. Following the conduct of independent Georgia's first ever local elections in November 1998, human rights commissions were established in many of the local authorities - the so-called sakrebulos.

582. In 1998, by decision of the President of Georgia, the post of Special Assistant to the President for Ethnic Affairs was established. An ethnic Russian, a university professor and well-known academic, was appointed to the post. The presidential assistant has on his staff representatives of various nationalities - Armenians, Azerbaijanis and Russians - including well-known cultural figures and former parliamentarians. His main duties include collaboration

with the voluntary associations of minorities and with the various diasporas in general, and maintaining contact with Georgian communities abroad. Within the Department for Inter-Ethnic Relations in the Office of the President a council - or "satatbiro" - of representatives of ethnic communities and voluntary associations has been established, bringing together some 60 minority non-governmental organizations. Over the reporting period, a number of meetings and round tables have been organized by the presidential assistant with the participation of representatives of the ethnic minorities' associations active in Georgia. Among other things, the participants discussed a law for the protection of ethnic minorities. Periodic monitoring is carried out in areas with large non-eponymous ethnic populations.

583. Information regarding other bodies dealing to some extent or other with minority issues may be found in the core document, in the section on the system for the protection of human rights (paras. 114-121, 123).

Minorities' associations

584. In this section we provide information on the minorities' associations operating in Georgia, which have among their purposes the preservation of the identity and culture of minorities.

585. The Russian minorities' associations are the most numerous. The largest of these is the Russian Cultural and Educational Society, which has nine branches and some 16,000 members. Other large associations include the charitable "Slavonic House" Association, the Nadezhda ("Hope") Association, the Druzhba ("Friendship") Association based in Batumi and the Union of Georgian Cossacks. The Dukhobor, Molokane and Old Believer communities of Georgia merit special mention. In the 1930s members of these Christian sects were deported from Russia to Georgia. They settled all over the country and established entire villages in some regions. The Dukhobors settled in seven villages of the Djavakheti region, where, for more than 150 years, they have preserved their culture, traditions and faith. In recent years some members of this community have moved back to Russia, but, as shown by sociological research conducted between 1992 and 1995, this exodus was due to economic hardship rather than to religious or cultural discrimination.

586. The Azerbaijani minority is represented by the Union of Georgian Azerbaijanis, and the Dayagi, Birlik, Umid, Ozan and Geirat cultural and charitable associations. There is an Azerbaijani cultural centre in Tbilisi. Mention should also be made of the Sazi international Azerbaijani-Georgian Society, whose aim is to promote friendship and cooperation.

587. The Armenian community established its own cultural and charitable association some years ago. At the association's congress in 1999, it was decided to transform the society into a Union of Georgian Armenians, which has among its primary purposes the strengthening of Armenian-Georgian friendship and the development of ties between Georgia and Armenia. Armenian voluntary organizations based in different areas of the country include the Charles Aznavour charitable association in Akhaltsikhe, and the Veratsenunts Society in Batumi.

588. In addition, the following minorities' associations have been founded and operate freely in Georgia:

(a) Federation of Greek Communities, bringing together 23 communities from all the regions of the country: On the Federation's initiative, Greek cultural and educational centres have been established, Sunday schools have been set up and two newspapers are published - in Tbilisi and Batumi. The Federation maintains regular contacts with the Greek diasporas abroad;

(b) Kurdish (Yezidi) organizations, including the Union of Georgian Yezidis, the Society of Georgian Citizens of Kurdish Nationality, the International Kurdish Information Centre, and four women's, young peoples' and religious organizations. The Kurdish organizations maintain links with ethnic cultural centres and societies in various countries around the world;

(c) Einung German Society: The German community in Georgia numbers only some 1,500 people, two thirds of whom speak Russian as their first language. The Einung Society seeks to satisfy the cultural needs of the German diaspora and organizes occasional exhibitions by artists of German origin in Tbilisi;

(d) Polonia Polish Society, established in 1995, which has some 800 members, including young people under the age of 18. The Society is headed by a woman, a professor at Tbilisi State University, and its main aim is to promote cultural and educational activities.

589. In addition, Georgia's "third sector" also includes a number of minority associations - Assyrian, Latvian, Lithuanian, Ukrainian and others - which aim to preserve the identity of those communities and to meet their cultural needs.

590. Minority organizations enjoy State support. One of the primary tasks of the Special Assistant to the President for Ethnic Affairs is to maintain close contact with national minority societies, with a view to developing an effective policy for the protection and promotion of their rights and freedoms, in accordance with the Constitution and Georgia's international obligations.

Educational infrastructure for minorities

591. At the start of the 1998/99 school year, there were 3,179 general education day schools in Georgia, not counting schools for mentally and physically disabled children, with a total pupil complement of 715,800. These included:

- 87 Russian schools and 152 independent programmes, catering for 43,700 pupils;
- 141 Azerbaijani schools and 8 independent programmes, catering for 41,000 pupils;
- 133 Armenian schools and 2 independent programmes, catering for 27,800 pupils;
- 10 independent Ossetian programmes, catering for 200 pupils.

It should also be noted that there has been a steady decline in the number of pupils attending day schools offering tuition in their native language (i.e., not Georgian). Thus, the number of pupils receiving Russian-medium tuition today has dropped by more than 75 per cent since the 1990/91 school year, while those receiving Azerbaijani and Armenian-medium tuition have dropped by 8.4 and 8.3 per cent, respectively. Over this period there has been a very slight increase (1.01 per cent) in the number of children in Georgian-medium schools, to 693,100 pupils.

592. In the secondary education system there are 37 science-oriented and 27 arts-oriented special schools, a number of which offer intensive instruction in foreign languages, including modern Greek (the Greek diaspora in Georgia is fairly sizeable).

593. In the 1998/99 academic year, there were 24 State colleges and universities in Georgia with a total student complement of 90,100, and 154 private colleges and universities, catering for 38,300 students. A number of these offer education in languages other than Georgian. Thus, there are 12 departments with Russian-medium teaching at Tbilisi State University and 21 such departments at Tbilisi State Technical University, 7 non-Georgian-medium departments at Tbilisi State Pedagogical University, 1 at Tbilisi State Medical University and 2 at the Zoological and Veterinary Institute. There are Russian-medium departments in the colleges and universities of Batumi and Kutaisi, the economics institute in Gori and the teachers' training college in Telavi. This means that Russian-medium instruction is offered at the country's State colleges and universities in more than 50 different courses. In addition, many of the private colleges and universities have Russian-medium departments or programmes. Armenian, Azerbaijani and modern Greek are taught at Tbilisi State University, as well as various Caucasian languages. Tbilisi State Pedagogical University also has faculties of Armenian and Azerbaijani language and literature. There is one Greek-medium private college, Aristotle University.

Minority cultures

594. Ethnic minorities in Georgia are fully able to exercise their right to participate in the country's cultural life. In the area of drama, there are three Russian State theatres, including a youth theatre, an Armenian State theatre and three amateur Armenian theatres, one Abkhaz and one Ossetian State theatre, and two amateur Azerbaijani theatres. At the country's State Theatre and Cinema Institute, a special group of students has been brought together to form the nucleus for the projected Azerbaijani State theatre in Tbilisi. Choirs and dance ensembles representing the Abkhaz, Armenian, Assyrian, Azerbaijani, German, Greek, Jewish, Lithuanian, and Ossetian nationalities have been successfully performing in the country for many years. The Jewish Children's dance company, Yonat Shel Shalom ("Dove of Peace"), which has won a prize in an international competition, deserves special mention.

595. The Georgian writers' union has Russian, Armenian and other minority sections. The Pushkin international literary society has been established in Tbilisi. A wide range of activities are organized by such bodies as the Russian cultural centre, the associations for

Russian-Georgian and Azerbaijani-Georgian cultural ties and the "Caucasian House" cultural centre. National minorities have access to literature in their native tongues in almost all the libraries of the country. A Jewish book festival was recently held in Georgia with great success.

596. There are many museums in Georgia devoted to famous personalities connected in one way or another with Georgian culture and history. Those celebrated by these museums include Mirza Fatali Akhundov, Dimitri Gulia (in Sukhumi), Djalil Mamedkulizade, Vladimir Mayakovsky, Nariman Narimanov, Vahan Teryan, Konstantin Simonov, and Kosta Khetagurov (in Tskhinvali). There is also an Alexander Pushkin museum in Tbilisi, in the poet's house in the city, and a Lesya Ukrainka memorial library.

597. The Georgian Ministry of Culture is working closely with the national minority associations and their societies and cultural centres. A special service has been set up within the Ministry to deal with specific aspects of the development of minority cultures. Although the country's present economic woes are taking their toll on the country's cultural infrastructure, the State is nevertheless making every effort to support this sector as best it can. Between 1 and 1.9 per cent of the State budget was allocated to cultural needs over the period 1997-1999.

598. Information on the mass media and its broadcasts in minority languages can be found in the section of this report dealing with paragraph 19 of the Covenant (the section on press freedom).

Legislative underpinnings of minority rights

599. In recent years there has been a lively debate in Georgia on whether to adopt a special law on ethnic minorities. A relevant bill was jointly drafted by the Committee for the Protection of Human Rights and Ethnic Relations and the Centre for the Study of Inter-Ethnic Relations at the Georgian Academy of Sciences. Representatives of minority communities were also involved in the drafting process and the bill was submitted to Parliament for consideration in 1994. The bill was not passed, however, owing to divided views on the need for and desirability of such a law.

600. Upon attaining full membership of the Council of Europe, Georgia signed the European Framework Convention for the Protection of National Minorities. As a consequence, the Parliamentary Assembly of the Council of Europe has recommended to Georgia that it consider the adoption within two years of an appropriate domestic regulatory act, taking due account of the principles agreed at the Assembly in 1993.

LIST OF ANNEXES*

1. Georgian Constitution.

2. Core document (updated).

3. Presidential decree on measures to enhance the protection of women's rights in Georgia.

4. Presidential decree ratifying the plan to combat violence against women for the period 2000-2002.

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* The annexes to the present report are kept on file with the Committee Secretariat and may be consulted upon request.